IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 13045 of 2001

Between:

V.Venkateswarlu, S/o. Kondaiah,
R/o. Hyderabad.

..... PETITIONER

AND

1 The Managing Director,
Andhra Pradesh Scheduled Castes Cooperative Finance Corporation Limited, Hyderabad.
2 The Superintending Engineer (SW),
Andhra Pradesh Scheduled Castes Cooperative Finance Corporation Limited, Hyderabad.
3 The District Collector,
District Scheduled Caste Service Cooperative Society Limited Hyderabad.
4 The Executive Engineer (SW),
District Scheduled Caste Service Cooperative Society Limited Hyderabad.
5 Anitha Singnath, D/o. S.D.Rao,
O/o. Executive Engineer (SW), Hyderabad Scheduled Caste Service Co-op. Society Limited, Hyderabad.

(R-5 impleaded as per Court Order dt. 19-9-2001 in WPMP 22977/2001)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction more particularly one in the nature of Writ of Mandamus declaring as illegal, arbitrary and unconstitutional the proceedings of the 1st Respondent issued in LC1/542/APSC/2001 dated 12-6-2001 and issue a conse3quential direction to the 1st Respondent to promote the Petitioner as Assistant Engineer on a regular basis from the date of his eligibility with all consequential benefits such as arrears of salary, seniority etc

Counsel for the Petitioner: MR.D.V.SITARAMAMURTHY
Counsel for the Respondent Nos.1to4: MR.M.V.S.SURESH KUMAR
Counsel for the Respondent No.5 : Mr.Ch.Jagannath Rao

The Court made the following ORDER:

ORDER:

Heard both sides and at their request the main writ petition itself is taken for disposal.

The petitioner filed this writ petition seeking writ of Mandamus challenging the action of the first respondent in passing the impugned order dated 12.06.2001 by rejecting his case for promotion as Assistant Engineer and for a consequential direction to the first respondent to promote him as Assistant Engineer on regular basis from the date of his eligibility with all consequential benefits.

The case of the petitioner is that he was appointed as Draughtsman Grade III by the Executive Director, District Scheduled Caste Service Cooperative Society Limited, on 28.02.1987 on regular basis in a clear vacancy after following the due process of selection. Thereafter, he was promoted to the post of Draughtsman Grade II.

In the affidavit filed along with W.P.M.P.No.1538 of 2005 it is pointed out that there are five such vacancies as explained in paragraph No.5 of it. In view of the same, the petitioner states that his case can as well be considered in any of such vacancies.

Having regard to the submissions made on either side and also on perusal of the entire material available on record, it is seen that in view of the fact that there are some vacancies existing, the writ petition is disposed of directing the respondents to consider the petitioner's case in the existing vacancies for promotion to the post of Assistant Engineer.

The respondents shall exercise the entire action within a period of six weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

B.Prakash Rao, J

Date: 04.02.2005

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To

1 The Managing Director,
Andhra Pradesh Scheduled Castes Cooperative Finance

Corporation Limited, Hyderabad.

2 The Superintending Engineer (SW),
Andhra Pradesh Scheduled Castes Cooperative Finance Corporation Limited, Hyderabad.

3 The District Collector,
District Scheduled Caste Service Cooperative Society Limited Hyderabad.

4 The Executive Engineer (SW),
District Scheduled Caste Service Cooperative Society Limited Hyderabad.

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